

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

JERRY L. PARKER,

Petitioner,

-vs-

CASE NO. 8:16-cv-3483-T-02AEP

SECRETARY, DEPARTMENT  
OF CORRECTIONS,

Respondent.

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**ORDER**

Before the Court is Mr. Parker's Motion for Reconsideration (Doc. 29) in which he moves the Court to reconsider the January 27, 2020 Order dismissing his petition for a writ of habeas corpus as time-barred. Upon consideration, the motion will be denied.

Mr. Parker contends that this Court erred in dismissing his petition as time-barred considering the decision in *Hall v. Secretary, Department of Corrections*, 921 F.3d 983 (11<sup>th</sup> Cir. 2019), which Petitioner argues is factually indistinguishable from his case. The Court disagrees.

Mr. Parker's case and *Hall* are distinguishable. In *Hall*, after the petitioner filed a Rule 3.850 motion that was not "properly filed" for purposes of tolling the federal limitation period for filing a petition for a writ of habeas corpus, he filed a corrected 3.850 motion *before* the limitation period expired. *Hall*, 921 F.3d at 986. The corrected motion therefore related back to the date the initial motion was filed and tolled the *unexpired* federal limitation period. *Id.*, 921 F.3d at 988. In contrast, Mr. Parker filed his corrected motion *after* the federal limitation

period expired. The expired limitation period was not “resurrected” by Mr. Parker’s corrected motion. *See Melson v. Allen*, 548 F.3d 993, 998 (11th Cir. 2008), *cert. granted, judgment vacated on other grounds*, 561 U.S. 1001 (2010) (a federal habeas petitioner “may not attempt to resurrect a terminated statute of limitations by subsequently filing documents that purport to ‘relate back’ to previously submitted documents that were, in themselves, insufficient to toll the statute.”) (citation omitted). Mr. Parker’s federal habeas petition therefore was untimely filed.

Accordingly, Mr. Parker’s Motion for Reconsideration (Doc. 29) is **DENIED**.

**DONE AND ORDERED** in Tampa, Florida on March 27, 2020.

*s/William F. Jung*  
WILLIAM F. JUNG  
United States District Judge

SA: sfc  
Copies to:  
Jerry L. Parker, *pro se*  
Counsel of Record